

EXHIBIT A

Sherman, Liza H.

From: Sherman, Liza H.
Sent: Thursday, January 05, 2006 10:54 AM
To: 'Patrick Costello'
Cc: Douglas Schleicher; McNally, Edward; Phillips, Stacey M.
Subject: RE: Depositions of Johnson and Wilk

Patrick,

While we are willing to depose your experts after the 13th, doing so will necessarily cause our expert report to be delayed.

With that understanding, we are unavailable on January 17, 24, 25 or 31. Please suggest an alternative date that does not fall on these dates.

--Liza

-----Original Message-----

From: Patrick Costello [mailto:PCOSTELL@klehr.com]
Sent: Thursday, January 05, 2006 10:40 AM
To: Sherman, Liza H.
Cc: Douglas Schleicher
Subject: RE: Depositions of Johnson and Wilk

Liza: Our experts are not available on the 13th or before. We are trying to get dates when all of us (counsel and our experts) are available so we can give you a few dates to consider. Are there any particular dates after the 13th that your side is unavailable?

-Patrick

Patrick A. Costello, Esq.
(Admitted in PA, NJ, and DE)
Klehr, Harrison, Harvey, Branzburg & Ellers LLP
919 Market St., Suite 1000
Wilmington, DE 19801
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fax: (302) 426-9193
website: www.klehr.com
email: pcostello@klehr.com

>>> "Sherman, Liza H." <LSherman@morrisjames.com> 01/04/06 11:56 AM >>>

By way of clarification, please advise at latest tomorrow regarding the availability of the witnesses during the period between now and January 13th. I apologize if my previous e-mail was unclear.

-----Original Message-----

From: Sherman, Liza H.
Sent: Wednesday, January 04, 2006 11:42 AM
To: Douglas Schleicher; 'Patrick Costello'
Cc: McNally, Edward; Phillips, Stacey M.
Subject: Depositions of Johnson and Wilk

Doug and Patrick:

We would like to take the depositions of both Larry Johnson and David Wilk. We'd like to take both on the same day, beginning at 9AM. January 13th would be ideal for both of us. Please advise as to your availability for that date. If that date is not acceptable, please propose an alternative date for their depositions some time between now and January 13th.

Regards,

Liza H. Sherman, Esq.
Morris, James, Hitchens & Williams LLP
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P.O. Box 2306
Wilmington, Delaware 19899-2306
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EXHIBIT B

Sherman, Liza H.

From: Patrick Costello [PCOSTELL@klehr.com]
Sent: Thursday, January 05, 2006 12:20 PM
To: Sherman, Liza H.
Cc: Douglas Schleicher; McNally, Edward
Subject: RE: Depositions of Johnson and Wilk

Liza:

Taking depositions after Jan. 13th does not translate into an extension of the Jan. 31, 2006 expert report deadline. There is nothing in the Court's Order dated Nov. 16, 2005 that links expert depositions to when your responsive expert report is due, nor does the Order give you an extension if plaintiff's experts are not deposed by the 13th. In fact, the Court's Order specifically accounts for depositions to take place after all expert reports are due because the deadline for expert discovery is not until Feb. 28, 2006. I also note that although we served our expert reports on Dec. 29, 2005, yesterday afternoon (Jan. 4) was the first time you requested that depositions occur by Jan. 13th.

That being said, we are willing to work with you on scheduling deposition dates that are mutually acceptable to all parties and the witnesses involved. We have reached out to our experts in order to determine their availability and we will let you know some alternative dates after we have heard back from them.
-Patrick

>>> "Sherman, Liza H." <LSherman@morrisjames.com> 01/05/06 10:53 AM >>>
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2/6/2006

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EXHIBIT C

Sherman, Liza H.

From: Patrick Costello [PCOSTELL@klehr.com]
Sent: Monday, January 16, 2006 3:04 PM
To: Sherman, Liza H.
Cc: Douglas Schleicher; McNally, Edward
Subject: Elsmere - expert depositions

Liza:

Below are the dates when everyone (attorney and witnesses) from our side is available for expert depositions:

Jan. 30, 2006 --morning David Wilk / pm -- Larry Johnson

Feb 6, 2006 --morning Wilk / pm Johnson

Due to Wilk's schedule, these are the only times we can do it. Wilk flies out in the pm to go out of town on each date. Please let me know which date you select. Thanks.

-Patrick

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